

MAR 19 2006

App. No.: 10/709971  
Filed: 6/10/2004  
Conf. No.: 3970  
SIMTEK6915

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## IN THE UNITED STATES PATENT OFFICE

In re Application of  
Ryoji Kaneko

App. No.: 10/709971  
Filed: 6/10/2004  
Conf. No.: 3970  
Title: BRUSH TYPE DC ELECTRIC MACHINE  
Examiner: E. Preston  
Art Unit: 2834  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

I hereby certify that this correspondence  
and all marked attachments are being filed  
via fax to (571) 273-8300 and (571)  
273-0125 on:

March 19, 2006

  
Ernest A. Beutler  
Reg. No. 19901

**RENEWED PETITION REQUESTING COMMISSIONER  
TO EXERCISE SUPERVISORY AUTHORITY**

Dear Sir:

Applicant's undersigned attorney again apologizes for having to call another case from this Art Unit to his attention. This is necessitated by the failure of the Examiners to fully explain their positions in First Office Actions, particularly where they are applying a claim meaning obviously different from that intended and their failure to extend their field of search as called for in MPEP Section 904.03 which requires "The search should cover the claimed subject matter and should also cover the disclosed features which might reasonably be expected to be claimed." (Emphasis added)

Specifically the Commissioner is most respectfully requested to exercise his supervisory authority and direct the Examiner to enter the amendment filed by fax on December 5, 2005, as not raising a "new issue". Contrary to his position taken in the Advisory Action. The undersigned immediately filed a responsive Petition on December 20, 2005, but that petition remains unanswered even though applicant's time for filing his brief continues to run.

The facts in support of this request are as follows:

This application as filed was directed to an improved rotary electrical machine that "prevent phase shift as a result of energization of rotating coils in opposite directions". This is done by winding the coils of the phases so that "electrical energy flowing through adjacent coil pairs in the same circuit is in opposite directions upon rotation of the machine". Of course as the machine rotates the current flow through a given coil reverses as the machine rotates and it is this reversal that causes the problem.

However with the claimed invention instantaneous flow through adjacent coil pairs of the same circuit is

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always in opposite directions.

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This characteristic of opposite flow directions at instantaneous conditions is shown in the various figures of the drawings. The references cited by the Examiner in the first Office Action and in his final rejection do not disclose this feature. However like all machines the flow direction through each coil reverses as the machine rotates.

For the first time in his final rejection the Examiner stated the way in which he was reading the claim language in a way not intended by applicant's attorney. In the Final Rejection the Examiner first stated his reading of the claim language by stating that the flow through each coil was in opposite directions "upon rotation" thus placing a different interpretation on the claim language than intended and as made clear when considering the application as a whole. Applicant did not believe that the clarified claim language was anticipated, but if the Examiner still felt as stated during the interview, he was solicited to enter the amendment as it would have clarify the issue on appeal and would result in the Examiner's agreement that at least some claims are allowable and thus reduce the issues on appeal without raising any new issue, as it merely avoided a misunderstanding between the claim meaning between the Examiner and the undersigned.

However in the but not yet received by the undersigned in the mail, the Examiner first takes the position that this raises a "new issue". This ignores the fact that it was clear from the application that this is what applicant's attorney intended to and thought he had claimed, since the invention was clearly described as such in the specification.

Respectfully submitted:



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